

### REMARKS

Foremost, Applicant would like to thank Examiner Ford for the courtesy provided to Applicant's representatives during their phone interview on June 27, 2008.

The Final Office Action dated April 4, 2008 has been received and its contents carefully noted. Claims 1-12 are pending and rejected.

By this response, arguments are provided in support of claims 1-12 traversing the rejections provided in the Office Action.

#### **I. 35 USC § 102 (b) Rejection**

Claims 1, 5-6, 9 and 11-12 stand rejected as being anticipated by Kuwada et al (US 2002/0029748). The rejection as to claims 1, 5-6, 9 and 11-12 is traversed. Applicant respectfully requests withdrawal and reconsideration in view of the arguments presented herein.

Claim 1 recites "a head mounting frame arranged at the ceiling portion of the processing vessel to support the shower head main body, the head mounting frame having at least one through-hole into which the projection of the side wall of the shower head main body is inserted, with portions of the side wall other than the projection not being inserted into the through-hole".

As discussed during the interview and below, Kuwada does not provide the limitations of claim 1. Namely, Kuwada does not provide a "head mounting frame arranged at the ceiling portion of the processing vessel to support the shower head main body, the head mounting frame having ***at least one through-hole into which the projection of the side wall of the shower head main body is inserted***, with portions of the side wall other than the projection not being inserted into the through-hole".

As an example of the claim 1 invention the specification discloses a head mounting frame that supports the showerhead main body. As shown in the figures, the cup shaped shower head (26) is supported by head mounting frame (78) (e.g., see screw bolts 80 that fasten the shower head (26) to head mounting frame 76). Further, as best seen in Figures 3 and 4 the disclosed embodiment of the invention comprises at least one projection (96) defined by steps provided in an upper end of a side wall of the shower head main body (e.g., see the shower head 26 shown in Figure 4). Further as shown in Figures 3 and 4 that at least one projection extends into the through-hole provided in the head mounting frame (e.g., see the plan view in Figure 3 of the at

least one projection extending into the through-hole (94) and the cross-sectional view of Figure 2).

In contrast, the Office Action contends that Kuwada's head mounting frame is made up of elements, 84 and 108, collectively. Kuwada's disclosure defines element 84 as a lid. As clearly depicted in figure 2, element 84 is *not* part of a head mounting frame because lid 84 rests on top of the shower head (i.e., lid 84 is an independent component that is received within a central cavity formed in an upper, central region of Kuwada's shower head). Thus, the shower head supports element 84, and therefore lid 84 is not a portion of the head mounting frame. During the telephone interview with the Examiner, the Examiner acknowledged that the lid may not be part of the head mounting frame and, accordingly, would take a second look at the rejection. Given the overwhelming evidence in view of the error of including element 84 as part of the head mounting frame, the anticipation rejection as provided in the Office Action is respectfully submitted to be improper. Accordingly, the final rejection should be withdrawn.

Further, the Office Action argues that Kuwada's through-hole is delimited by elements 112, 106a, 106b and 87. Based on the establishment that element 84 cannot be considered a part of the head mounting frame, elements 112, 106a, 106b and 87 do not delimit a through-hole of the head mounting frame where a projection of the side wall is inserted. During the telephone interview, the Examiner noted that he would also have to reconsider his assertion that a through-hole exists between elements 84 and 108. Since there is no supporting evidence in Kuwada of a through-hole that extends through a head mounting frame because element 84 is not part of "a head mounting frame" the anticipation rejection as provided in the Office Action is respectfully submitted to be improper and should be withdrawn.

Furthermore, it also would not have been obvious to one of ordinary skill in the art at the time the invention was made to reject the presently claimed invention in view of Kuwada. Given the arguments provided, *supra*, Applicant respectfully requested reconsideration and withdrawal of the rejection to claim 1.

Similarly, claims 5-6, 9 and 11-12 advance the same arguments on the merits as provided for claim 1. Accordingly, Applicant respectfully solicits withdrawal and reconsideration of the rejection to claims 5-6, 9 and 11-12.

## **II. 35 USC § 103 (a) Rejections**

Claims 2 and 7 stand rejected as being unpatentable over Kuwada (US 2002/0029748) in view of Hystros (US 2003/0132319). The rejection as to claims 2 and 7 is traversed.

Similarly, claims 2 and 7 advance the same arguments on the merits as provided for claim 1. Accordingly, Applicant respectfully solicits withdrawal and reconsideration of the rejection to claims 2 and 7.

Claims 3 and 8 stand rejected as being unpatentable over Kuwada (US 2002/0029748) in view of Metzner et al (US 2002/0192370). The rejection as to claims 3 and 8 is traversed.

Claim 3 provides the limitations of “a plurality of through-holes”, “the shower head main body has...a plurality of projections” and “the plurality of projections of the side wall of the shower head main body are respectively inserted into the plurality of through-holes arranged at angular intervals in a circumferential direction”.

In the Office Action, and as discussed during the interview, it is the Examiner’s contention that Metzner’s disclosure of having a plurality of fasteners provides a “general teaching” of utilization of a plurality of projections in joining a shower head to a head mounting frame. As described in the interview and as apparently recognized by the Examiner, it is Applicants’ contention that a general teaching of utilizing a plurality of fasteners to join a shower head body to another component does not in anyway support, under 35 U.S.C. § 103, the attempted modification of the annular projection 104 in Kuwada, which is used as an annular ring catch support for the cup-shaped shower head body in the reference.

Accordingly, Kuwada in view of Metzner et al does not disclose the claimed limitations of claim 3. It is further respectfully submitted Kuwada does not teach a plurality of through-holes formed in the head mounting frame. In the Office Action there is indicated that Metzner is considered to provide a shower head inserted into multiple through-holes via fasteners wherein the through-holes are arranged at annular intervals in a circumferential direction as provided in Figures 4-5 of Metzner.

As seen from Figures 4 and 5 of Metzner the screws 242 of Metzner extend through the suspended shower head and only into a limited portion of the overlying component 205.

It is respectfully submitted that this limited extension would not be deemed by one of ordinary skill in the art to constitute a through-hole and certainly would not provide for a cooling

enhancement function like the projections of the invention of claim 3 provides. Thus, Metzner also is deficient as a source for modifying the Kuwada reference to have the claimed through-holes presented in claim 3. As such, it would not have been obvious to one of ordinary skill in the art to reject the present invention over Kuwada in view of Metzner.

On another note, the Examiner cited a parallel rejection in view of case law regarding *a duplication of parts* in an attempt to support a modification of the annular projection 104 in Kuwada. It was noted by Applicants' representatives during the interview that the attempted modification of the annual "projection" ring 104 was not a duplication of parts. That is, while adding another ring might be a duplication of parts, the attempted modification of an existing ring would not be a duplication of parts but a modification of a part. The Examiner concurred and stated he would indicate the same in the Interview Summary Record.

Similarly, claim 8 involves the same arguments on the merits as provided for claim 3. Accordingly, Applicant respectfully solicits withdrawal and reconsideration of the rejection to claim 8.

Claims 4 and 10 stand involve as being unpatentable over Kuwada (US 2002/0029748) in view of Fujikawa (US 5,595,606). The rejection as to claims 4 and 10 is traversed.

Similarly, claims 4 and 10 advance the same arguments on the merits as provided for claim 1. Accordingly, Applicant respectfully solicits withdrawal and reconsideration of the rejection to claims 4 and 10.

**CONCLUSION**

Accordingly, it is respectfully submitted that the application stands in condition for allowance and favorable reconsideration is earnestly solicited.

If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No. 033082R337.

Respectfully submitted,

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